

REMARKS

Upon entry of this Amendment, claims 1-11, and 23-28 will be pending, of which claims 1, 12 and 25 are independent. It is respectfully submitted that no new matter has been introduced, and support for these amendments can be found throughout the specification, for example, on page 4, line 20 and page 7, lines 17-24.

~~Applicants confirm the election of claims 1-11 for prosecution.~~ Non-elected claims 13-22 are cancelled. Upon allowance of claims 1-11 and 23-28, rejoinder of the pending claim 12 is requested.

New claims 23-28 were added to more distinctly claim Applicants' invention, and, in particular, claims 24-28 are directed towards a composition wherein, in view of the light color of the composition, a mark of high contrast results upon exposure to laser light. Support for these claims can be found throughout the specification, for example, on page 2, lines 9-12.

Claims 1, 4, and 6 stand rejected under 35 USC §112, second paragraph as indefinite. Applicants submit that the above amendments to these claims place them in full compliance with §112, and kindly ask for reconsideration and withdrawal of these rejections. *OK*

The claims stand rejected under 35 USC § 103(a) as allegedly being obvious over JP 8041291 in view of Andes (US 6280520) and Kehal (US 6043304) or Gareiss (US 6184282). Applicants traverse this rejection for at least the following reasons.

In order to establish a *prima facie* case of obviousness, the Examiner must demonstrate: 1) a suggestion to combine or modify the cited references to obtain the claimed invention; 2) a reasonable expectation of a successful combination of the references; and 3) that the cited art teaches all claim limitations of the pending application. See: MPEP §2143. The Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness because there has been no showing of any reasonable expectation of success in combining them.

WESSELS et al.

JP '291 describes an epoxy resin requiring carbon black and antimony trioxide. Applicants maintain that adding carbon black to an epoxy resin composition will produce a dark polymer.

Andes describes an opaque or semi-opaque pigment for various applications. Although one such application is for laser marking compositions, the nature or type of such compositions are not described.

The skilled artisan would understand that the compositions of JP '291 would form a light mark on a dark background. Therefore, the skilled artisan could not reasonably expect to obtain a dark mark on a lighter polymer by combining the pigments of Andes with the compositions of JP '291. Accordingly, the cited combination of references fails to offer a sufficient expectation of a successful combination, and therefore fails to render the present invention *prima facie* obvious.

In light of the above amendments and arguments, the Applicants kindly ask the Examiner to reconsider and withdrawal this §103(a) rejection.

WESSELS et al.

CONCLUSION

As all the objections and rejections noted in the Office Action have been addressed, Applicants request reconsideration of the present application and submit that this application is in condition for allowance. A timely Notice to that effect is respectfully requested. Should questions relating to patentability remain, the Examiner is invited to contact the undersigned to discuss the same.

Respectfully submitted,

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APPENDIX

I. VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) A laser markable polymer composition of light color comprising: [Polymer containing a polymer and, as]
 - a) a polymer
 - b) [an additive for making a dark laser marking on a light background, at least 0.1 wt.%) from 0.1 to 10 wt %, relative to the total weight of the polymer composition, of antimony trioxide particles [, characterized in that the antimony trioxide has] having an average particle size above 0.5 micrometer [,]; and
 - c) [the composition also contains] a nacreous pigment.
4. (Amended) Polymer composition according to claim 1, wherein the polymer composition is [essentially halogen-free] free of halogen-flame retardant.
6. (Amended) Polymer composition according to claim 1 containing [a polymer, at least 0,5 wt.%) from 0.1 to 5 wt % antimony trioxide and at least 0.1 wt.% of a nacreous pigment.
9. (Amended) Polymer composition according to claim 1, wherein the polymer composition [is essentially halogen-free and] contains a halogen-free flame retardant.